

Whether families purchase a pre-cut tree or cut the trees themselves—the tree most likely came from a tree farm. More than 36 million Christmas trees are produced each year, and 98 percent of them come from Christmas tree farms. Christmas tree farms have a positive contribution to our economy.

None know the importance of Christmas trees to our economy better than Oregonians. In 2006, Christmas trees accounted for more than \$121 million of the Oregon economy. Our number one agricultural commodity is nursery products, including Christmas trees. While many people know Oregon for our forests, it is fitting that we are also first in the Nation in Christmas tree production. I am proud to represent thousands of Oregonians who are part of the Christmas tree and nursery industry.

Christmas trees are both part of the Christmas and winter holiday season, and important to Oregon and the nation's economy. I commend my colleague, Ms. FOXX, for introducing this resolution.

HONORING RETIRING DIRECTOR  
OF THE BUFFALO AND ERIE  
COUNTY PUBLIC LIBRARY SYS-  
TEM MICHAEL C. MAHANEY

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2007*

Mr. HIGGINS. Madam Speaker, I rise today to honor the service of Mr. Michael C. Mahaney, Director of the Buffalo and Erie County Public Library System, whose exemplary service will conclude on January 4, 2008.

Mr. Mahaney began his involvement with the Buffalo and Erie County Public Library (B&ECPL) in December of 1973 as a Library Page in the Central Library's Stack Department. In 1976, he received his Master of Library Science degree from the State University of New York at Buffalo, and began working as a part-time Librarian at the Fairfield, Mead and Kensington Branch Libraries before being appointed to a full-time Librarian position in the Central Library's Business and Labor Department.

Mr. Mahaney's love of the library system and his natural leadership abilities soon propelled him to more senior positions within the B&ECPL, including liaison to the Erie County Legislature, Library constituents, local and regional media and the Library Board of Trustees, and Chairman of the Library's long range planning committee. He was also an active member of the New York Library Association and American Library Association, frequently representing the Buffalo and Erie County Public Library on committees and task forces and at various state and national conferences.

In January 2000, Mr. Mahaney was promoted to the post of Deputy Director, Chief Operating Officer of the B&ECPL, responsible for the administration of all Library public support and planning functions and played a critical role in the development of the Library's strategic plan.

Following a national recruitment effort in January 2003, Mr. Mahaney was chosen overwhelmingly by the Library's Board of Trustees to serve as permanent Director of the B&ECPL. During this time, he was instrumental in guiding the community through the reorganization of the Library in the aftermath of Erie County's worst budget crisis in history.

In his last year as Director of the B&ECPL, Mr. Mahaney oversaw a \$500,000 increase in county funding and the passage of the Library Protection Act, a local law safeguarding library funds after the county's annual budget is adopted, a goal library officials had sought for 14 years.

Madam Speaker, it is my honor to stand here today to pay tribute to the inspired leadership and remarkable contributions of Michael C. Mahaney during his 34 years of dedicated service to the Buffalo and Erie County Public Library System. I thank you, Madam Speaker, for allowing me this opportunity to honor Mr. Mahaney's past service and ask you and the rest of our colleagues to join me in wishing Mr. Mahaney the very best of health and success in the years to come.

#### INTRODUCTION OF THE FALSE CLAIMS ACT CORRECTIONS ACT OF 2007

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, December 19, 2007*

Mr. BERMAN. Madam Speaker, I am pleased to introduce the False Claims Act Corrections Act of 2007, a bill designed to return the False Claims Act to its original intent. This legislation is sorely needed today, with the Department of Defense budget raided by unscrupulous contractors willing to enrich themselves at the expense of our Nation, and the Medicare program at risk of insolvency while organized crime and others pilfer funds meant for the care of our elderly and disabled. The proposed amendments would correct the effect of unduly restrictive judicial opinions by clarifying that Congress intends the law to reach all types of fraud on the Federal fisc, regardless of the form of the transaction. The amendments would also restore the intended incentives for whistleblowers, to act when they discover fraud against the United States Government.

The False Claims Act was signed into law by President Abraham Lincoln in order to combat rampant fraud in Civil War defense contracts. The Supreme Court has called the law the "Government's primary litigative tool for combating fraud," a law "intended to reach all types of fraud, without qualification, that might result in financial loss to the Government." The statute, which embodies principles developed in centuries-old English common law, contains incentives for private individuals to report false claims and fraudulent activity. It also allows private parties to sue on behalf of the United States and bring their private resources to support the Government's investigation and litigation. If the United States investigates and finds merit to the private party's allegations, it may intervene in and take control of the lawsuit.

During the first century after its enactment, however, the law fell into disuse as amendments and adverse case law chipped away at the incentives needed to bring whistleblowers forward. Moreover, the courts had restricted the law by construing ambiguities in the act against the Government. It had also become apparent that, in order for the law to have its intended impact, the Department of Justice needed the power to compel testimony and production of documents to investigate allegations made by informants.

In 1986, Senator CHARLES GRASSLEY and I worked together in an effort to restore the req-

uisite incentives for whistleblowers and to clarify that the law was intended to reach all frauds on the Government, regardless of the form of the transaction. The False Claims Amendments Act was passed by Congress and signed into law on October 27, 1986. In addition to addressing incentives, the new law also provided for a subpoena-type authority for the Department of Justice so that the Department could fully investigate allegations raised by whistleblowers. Congress intended that the Department of Justice would use this new "civil investigative demand" authority to obtain documents and testimony, and then question witnesses and experts about this information to fully comprehend its significance.

I am very happy to report that, in the years since 1986, the amended Act has returned over \$20 billion to the United States Government that otherwise would have been lost to fraud. For the most part, the law has been a resounding success. The Government has received full compensation for many of its losses, and has also imposed financial penalties on many who have knowingly over-billed the Government. It has utilized information from False Claims Act informants to impose criminal sanctions, including imprisonment, on the worst offenders. The Department of Defense and the Department of Health and Human Services, in turn, have debarred from participation in the Medicare program, some of those subject to judgments and convictions. Other agencies have taken similar action. As a result of this aggressive enforcement action by our executive branch, many companies have been motivated to initiate compliance efforts, and have been deterred from engaging in the types of fraudulent schemes subject to enforcement activity.

Nonetheless, the law has not been a success in one critical respect: it could be doing far more. If construed according to Congress' original intent, it could be bringing in many billions of additional dollars in recoveries from those who have cheated at the expense of the taxpayer. Instead, some courts have misconstrued our intent, even in clear language in the law, in a manner that leaves entire categories of fraud outside the reach of the law. For example, courts have thrown out cases in which the Government has administered Government programs, and expended its funds through contractors and other agents, as opposed to direct expenditure. Many courts unreasonably have barred whistleblowers with potentially meritorious claims from pursuing cases. For example, the courts have dismissed cases brought by insiders who know key details of fraudulent schemes because they can't plead specific details of the billing documentation, such as the dates and identification numbers of invoices—information ordinarily sought and obtained in discovery. Finally, due to procedural requirements and an oversight in our original drafting, the Department of Justice has not employed the civil investigative demand authority as hoped.

The amendments proposed in this legislation will remove these debilitating qualifications and to clarify that the Act is intended to "reach all types of fraud, without qualification" leading to Government losses. We intend for these amendments to apply to all future cases as well as all cases that are pending in the courts on the date the amendments become law.

The Amendments' most critical goals are the following: Clarifying that the Act covers